

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JAMES WILLIAMS, DECEASED, BY  
AND THROUGH MARGIE WILLIAMS,  
AS ADMINISTRATRIX OF THE  
ESTATE AND ON BEHALF OF THE  
WRONGFUL DEATH BENEFICIARIES  
OF JAMES WILLIAMS, DECEASED,**

**PLAINTIFFS,**

**VS.**

**CIVIL ACTION NO. 4:04CV116-P-B**

**NED HOLDER, INDIVIDUALLY AND  
IN HIS OFFICIAL CAPACITY AS  
SHERIFF OF SUNFLOWER COUNTY,  
MISSISSIPPI; SUNFLOWER COUNTY,  
MISSISSIPPI; JAMES MOORE,  
INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY AS SUNFLOWER COUNTY  
JAIL ADMINISTRATOR; BOBBIE PATTON,  
INDIVIDUALLY AND AS DEPUTY SHERIFF  
OF SUNFLOWER COUNTY, MISSISSIPPI;  
AND JOHN DOE(S), INDIVIDUALLY AND  
AS DEPUTY SHERIFF OF SUNFLOWER  
COUNTY, MISSISSIPPI,**

**DEFENDANTS.**

**ORDER**

This matter comes before the court upon Defendants' Motion for Summary Judgment [50-1]. Upon due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

After viewing the facts in a light more favorable to the plaintiffs, the court concludes that the defendants have not met their burden in proving the lack of a genuine issue of material fact. In other words, the court has not been convinced that trial is unnecessary in this case. Accordingly, the motion for summary judgment is not well-taken and should be denied.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Defendants' Motion for Summary Judgment [50-1] is hereby **DENIED**.

**SO ORDERED** this the 25<sup>th</sup> day of May, A.D., 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE